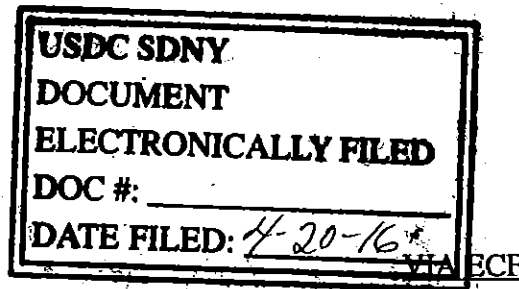


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April 19 2016

Hon. P. Kevin Castel
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007-1312Re: United States v. Scott Tucker, et al. 16 Cr 0091

Dear Judge Castel:

Defense counsel in this criminal case spoke yesterday with the FTC about obtaining relief from the Nevada freeze order that has deprived Scott Tucker of funds with which to pay us to defend him. There is still no resolution. Under the circumstances, I write to make the following request: (i) would the Court consider adjourning Friday's status conference for three weeks so that we can continue discussions with the FTC and be in a better position to inform the Court about Mr. Tucker's ability to afford retained counsel? Or (ii) would the Court waive Mr. Tucker's appearance at Friday's conference to save him the cost of flying from St. Louis and back? Friday's conference, it seems, is unlikely to be productive until the fee issue is resolved. See Fed. R. Crim. Pro. 43(b)(defendant's presence is not required at any "conference or hearing on a question of law").

I have spoken to AUSA Nick Velamoor, who believes that, if the conference is not adjourned, Mr. Tucker should appear so that the Court can impress on him the fact that this case will proceed regardless of any constraint on his resources. I can assure the Court that counsel have advised Mr. Tucker of that fact.

Respectfully submitted,


Paul Shechtman

PS/wr

cc: AUSA Niketh Velamoor
Paula M. Junghans
Marc A. Agnifilo
Thomas J. Bath